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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

भाग III—खण्ड 3

[PART III—SECTION 3]

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

Notifications relating to Minor Administrations

ADMINISTRATION OF DADRA AND NAGAR HAVELI
Silvassa, the 24th November 1977

Preamble :—(A) Notification No. GSR/316(E) dated 20-6-72 issued by the Government of India, Ministry of Food, New Delhi.

ORDER

No. ADM/SUP/1287.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of the 1955) read with clause 3 of the Central Government's Pulses and Edible oils (Storage Control) order, 1977 & (A) and with the prior concurrence of the Central Government, the Administrator, Dadra and Nagar Haveli, do hereby make the following order namely :—

1. Short Title Extent and Commencement :—

- (1) This order may be called the Dadra and Nagar Haveli Pulses & Edible oils Dealers Licensing order, 1977.
- (2) It extends to the whole of the Union Territory of Dadra and Nagar Haveli (hereinafter referred to as the territory).
- (3) It shall come into force with immediate effect.

2. Definitions :—In this order unless the context otherwise requires :—

- (a) "Collector" means the Collector, Dadra and Nagar Haveli;
- (b) "Dealer" means a person engaged in the business of the purchases, sale or storage for sale, of any pulses or edible oil;
- (c) "Form" means a form set forth in the schedule to this order;

- (d) "Licensing authority" means the Purchase & Supply officer or any other officer not below the rank of Mamlatdar appointed by the Collector to exercise the powers and perform the duties of the Licensing authority under this order;
- (e) "Pulses" means urad, moong, arhar (Tur); massor, gram, lobia, Rajomaha or any other dal whether whole or split with or without husk;
- (f) "Edible oil" means and included Groundnut oil, Mustard oil, Kharsana oil, Sesamum oil, Vanaspati, rapeseed oil, Coconut oil or any other oil used as cooking media and includes both refined and unrefined;
- (g) "Retailer" means a dealer in pulses or in edible oils who is not a wholesaler;
- (h) "Wholesaler" means a dealer in pulses or in edible oils who sell these commodities to other dealers or to bulk consumers;

3. Licensing of Dealers :—

- (1) No person shall carry on business as a dealer in pulses or in edible oils except under and in accordance with the terms and conditions of a licence granted under the order if the stock of pulses or edible oils in his possession excess the quantities on any one day as specified below.

Stock limit

1. Pulses 5 quintals for all pulses taken together.
2. Edible oils including Vanaspati. 5 quintals for all edible oils including Vanaspati taken together.

4. Restrictions on possession of Pulses and Edible oils :—

No dealer shall, on and from 25th October, 1977, either by himself or by any person on his behalf store or have

in his possession at any time any pulses or edible oils in excess of the quantities specified below :—

	<i>Stocks limits in Qtls in the case of Wholesaler</i>	<i>Retailer</i>
(1) Pulses	500 (for all pulses taken together)	25 for all pulses taken together
(2) Edible oils including Vanaspati	150 (for Vanaspati only) 200 (for all edible oils except those imported from abroad and vanaspati taken together)	5 (for Vanaspati only) 5 (for all edible oils excluding vanaspati, taken together)

5. Issue of licence :—

- (1) Every application for the issue or re-issue of a licence or renewal thereof shall be made to the licensing authority in form "A".
- (2) The licensing authority may after giving the applicant an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew or re-issue a licence.

6. period of licence and fees chargeable :—

- (1) Every licence issued under this order shall be valid from the date of issue to the 31st of December of the calendar year in which it is issued, and may thereafter be renewed for a further period of one year at a time, before the last day of February next following.
- (2) Every licence issued, re-issued or renewed under this order shall be in form "B" and shall be subject to the conditions specified therein.
- (3) A separate licence shall be obtained by the dealer for each place of business.
- (4) The holder of a licence may obtain from licensing authority a duplicate copy of the licence issued to him in case the original licence is lost, destroyed or defected.
- (5) The following fees shall be chargeable in respect of each licence :—

For issue of licence	..	Rs. 5/-
For renewal of licence	..	Rs. 2/-
For issue of duplicate licence		Rs. 10/-

7. Application for licence and deposit of security :—

Every person shall apply for a licence immediately of the commencement of this order and every person applying for a licence under this order such commencement, shall before such licence is issued to him, deposit with the licensing authority rupees five hundred if he is a wholesaler and rupees one hundred if he is a retailer, in cash by way of security for the due performance of the conditions subject to which the licence is granted to him.

8. Distribution/Sale :—

The licensee shall comply with any directions that may be given to him by the licensing authority in regard to purchase, sale and storage for sale of Pulses and Edible oils provided that no restrictions, formal or informal, on the inter-state movement of edible oils shall be imposed without the approval of the central Government and the prices are fixed by the Administrator of Dadra and Nagar Haveli with the prior concurrence of the Central Govt.

9. Contravention of conditions of licence :—

No holder of a licence issued under this order or his agent or servant or any other person acting on his behalf, shall contravene any of the terms or conditions of the licence and if any such holder or agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or

suspended by order in writing of the licensing authority, provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

10. Cancellation of licence on contravention of an order under the Essential Commodities Act, 1955, relating to foodstuffs :—

Notwithstanding anything contained in clause 8, 9 where a licensee has been convicted by a court of law for contravention of any order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955) relating to any foodstuff, the licensing authority may by order in writing cancel this licence, after the appeal period is over.

Provided that where such conviction is set aside in any appeal or revision, the licensing authority may, on application in form "A" by the person whose licence has been cancelled, re-issue the licence to such person and no fee shall be chargeable in respect of re-issue of such licence.

11. Forfeiture of security deposit :—

- (1) Without prejudice to the provision of clause, 9, if the licensing authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity for stating his case against the forfeiture, by order forfeit the whole or any part of the security deposited by him and shall send a copy of the order to the licensee.
- (2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 7 forthwith deposit further security to make up that amount on being required by the licensing authority to do so, and in the event of his refusal or failure to do so within the time specified or such further time as the licensing authority may allow, his licence shall stand cancelled.
- (3) Upon due compliance by the licensee with all obligations under the licence the amount of security or such part thereof which is not forfeited as aforesaid shall be returned to the licensee after the termination of the licence.

12. Appeal :—

- (1) Any person aggrieved by an order of the licensing authority refusing to issue, re-issue or renew a licence or cancelling or suspending a licence, or forfeiting the security deposited by the licensee under the provisions of this order may appeal to the Collector within 30 days from the date of receipt by him of such order.

Provided that the Collector may admit an appeal after the expiry of the period of 30 days, if the applicant satisfies him that he had sufficient cause for not preferring the appeal within such period.

- (2) No order shall be made under this clause unless the aggrieved person has been given reasonable opportunity of stating his case.
- (3) Pending disposal of an appeal, the Collector may direct that the order refusing to renew a licence or the order cancelling or suspending a licence or the order forfeiting security shall not take effect until the appeal is disposed of.

13. Revision :—The Administrator may call for and examine the record of any proceeding of the licensing authority or the Collector for the purpose of satisfying himself as to the legality or propriety of any order passed in such proceedings and if it shall appear to the Administrator that such order or proceedings should be modified, annulled or reversed, he may pass order thereon as deemed fit.

Provided that no order shall be made under this clause unless the person who is likely to be affected thereby has been given a reasonable opportunity of stating his case.

14. Powers of entry, search, seizure etc :—

- (1) The licensing authority or Civil Supply Officer not below the rank of Supply Inspector, Purchase & Supply Officer and any Police Officer not below the

rank of Head Constable and any other person authorised by the Collector in this behalf may with such assistance if any, as he thinks fit;

- (a) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder, has been, if being, or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contravention;
- (b) enter, inspect or break-open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provision of this order or of the conditions of any licence issued thereunder has been, is being or is about to be committed;
- (c) take or cause to be taken, extracts from, or copies of any documents showing transaction relating to such contravention which are produced before him.
- (d) search, seize and remove stocks of Pulses and edible oils and the animal, vehicle, vessel or other conveyance used in carrying such Pulses & Edible oils in contravention of the provisions of this order or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measure necessary for securing the production of stocks of Pulses and edible oils and the animal vehicles, vessels of other conveyances so seized in the court and for their safe custody pending such production.

- (2) The provision of section 100 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1973) relating to search and seizure shall, so far as may be, apply to searches and seizures made under this clause.

15. Order Not to apply in certain cases :—(1) Nothing in this order shall apply to :—

- (i) the sale or storage for sale or purchase of Pulses & Edible oils by a corporation or company owned by Central Government or a State Government; or
- (ii) the sale or storage for sale or purchase of Pulses & Edible oils by Central level or State level cooperative society engaged in the production, procurement, sale, purchase or distribution of pulses & edible oils.

(2) The Administrator, may, if it is necessary, in the public interest, so to do, by General or special order exempt any person, class of persons or body of persons whether incorporated or not, from the operation of all or any of the provision of this order, for such period and subject to such conditions (if any) as may be specified, and may at any time suspend or rescind such exemption.

THE SCHEDULE

FORM-A

[See clause 5(1)]

The Dadra and Nagar Haveli Pulses & Edible oils Dealers Licensing order, 1977.

Application for grant/renewal/re-issue of licence.

1. Name of the applicant/firm/company :—
2. Names & address of proprietor/partners/Boards of Directors :—
3. Address of principal place of business :—
4. Addresses of the branches of the firm/company if any :—
5. Address of godowns, where the stocks will be stored :—
6. Are you a partner/Board of director in any other firm holding a licence under this order :—

7. Place of business for which licence is required :—

8. How long the applicant has been trading in Pulses & Edible oils :—

9. Did the applicant hold a Pulses and Edible oils licence on any previous occasion? If so, give particulars including details of its suspension or cancellation, if any :—

10. Quantities of Pulses & Edible oils handled annually during the last three years (Oct.—Sept.) :—

11. Income tax paid in the two years preceding the year of application (to be indicated separately :—)
1 2

12. Quantities of Pulses & Edible oils in the possession of the applicant on the date of application and the places at which the different quantities are kept.

13. Whether the licence is required as wholesaler or retailer or both.

I declare that the quantities of Pulses and Edible oils specified above are in my possession this day and are held at the places noted above.

I further declare that the facts stated above are correct and true to my knowledge and no information has been concealed or withheld which can debar me from obtaining the licence.

I have carefully read the conditions of the licence given in form "B" appended to the Dadra and Nagar Haveli Pulses & Edible oils Dealers Licensing order, 1977, and I agree to abide by them.

I further declare that :—

- (a) I have not previously applied for such licence for Pulses & Edible oils, or
- (b) I applied for such licence for _____ on _____ but was not granted a licence; or
- (c) I hereby apply for renewal of licence No. _____ dated _____ issued to me _____; or
- (d) I hereby apply for the re-issue of my licence No. _____ dated _____.

(Strike off the clause not applicable).

(Signature of the Applicant)

Date :

Place :

FORM "B"

The Dadra and Nagar Haveli Pulses & Edible oils Dealers Licensing order, 1977—Licence for Purchase, sale, storage for sale of Pulses & Edible oils [See clause 6(2)]
Licence No. :

1. Subject to the provisions of the Dadra and Nagar Haveli Pulses & Edible oils Dealers Licensing order, 1977 and to the terms and conditions of this licence Shri _____ is/are hereby

authorised to purchase, sell or store for sale the Pulses & Edible oils as a wholesaler/retailer.

2. (a) The licensee shall carry on the aforesaid business at the following places :—

(b) Pulses & Edible oils in which the aforesaid business is to be carried on shall not be stored at any place other than the godown mentioned below :—

Note :—If the licensee intends to store his Pulses and Edible oils in godown other than those specified above, he shall give intimation of the actual occupation of such godown within 48 hours of the actual occupation thereof for making requisite changes by the Licensing authority.

3. (1) The licensee shall, except when specially exempted by the Collector or by the licensing authority in this behalf, maintain a register of daily accounts for Pulses & Edible oils showing correctly :—

- (a) The opening stock on each day.
- (b) The quantities received on each day showing the place from where and the source from which received.
- (c) The quantities delivered or otherwise removed on each day showing the place of destination.
- (d) The closing stock on each day.

(2) The licensee shall complete his account for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which, shall be upon him.

4. (i) The licensee, if he is a wholesaler, shall except when specially exempted by the Collector or by any other officer not below the rank of Mamlatdar authorised by the Collector in this behalf, submit to the Licensing authority or any other officer not below the rank of Supply Inspector appointed by the Collector, a fortnightly return in form "C" of the stocks, receipts and deliveries of Pulses & Edible oils on 1st & 16th of every month.

(ii) The licensee, if he is a retailer, shall, except when specially exempted by the Collector or by any other officer not below the rank of Mamlatdar authorised by the Collector in this behalf, submit to the Licensing authority or any other officer not below the rank of Supply Inspector appointed by the Collector, a fortnightly return in form "D" of the stocks, receipts and deliveries of Pulses & Edible oils on 1st and 16th of every month.

5. The licensee shall not contravene the provisions of Dadra and Nagar Haveli Pulses & Edible oils dealers licensing order, 1977 or any law relating to foodstuffs issued from time to time.

6. The licensee shall not :—

- (1) withhold from sale, supplied of Pulses & Edible oils ordinarily kept for sale.

7. The licensee shall exhibit at the entrance or some other prominent place of his business premises a board showing the price and opening stock of each variety of Pulses & Edible oils day to day held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned.

8. The licensee if he is a wholesaler shall sell Pulses & Edible oils to retailers (including himself if he holds retailers' licence also) who are registered with him and to bulk consumers who purchase in bulk in accordance with such directions as the licensing authority or any other officer not below the rank of Mamlatdar authorised by that authority in this behalf may give from time to time. The register shall be in form "E".

The wholesaler shall kept a separate register of transactions with the bulk consumers and mention therein their correct address and other details to prove their identity.

9. The licensee shall, except when specially exempted by the Collector or by the licensing authority in this behalf, issue to every customer a correct receipt or invoice, as the cases may be, giving his own name, address and licence Number, the name, address and licence number (if any) of the customer, the date of transaction, the quantity of Pulses, Edible oils sold, the price per quintal, kg. etc. and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer not below the rank of Supply Inspector authorised by it in this behalf.

10. The licensee shall give all facilities at all the reasonable times to the licensing authority or any other officer not below the rank of the Supply Inspector authorised by it or the Collector for the inspection of his stocks and accounts, at any shop, godown or any other place used by him for the storage, sale or purchase of Pulses & Edible oils and

for taking of samples of Pulses and Edible oils for examination.

11. The licensee shall comply with any directions that may be given to him by the Collector in regard to purchase, sale and storage for sale of Pulses & Edible oils and in regard to the language in which the register, returns, price list, receipts or invoice mentioned in paragraphs 3, 4, 7, 8 & 9 shall be written and the authentication & maintenance of the register mentioned in paragraph 3 & 8.

12. This licence shall be attached to any application for renewal.

13. This licence shall be valid upto -12-19 .

Place :

Date : (Licensing Authority)

FORM "C"

(For use by wholesaler)

[See paragraph 4(1) of form (B)]

Return of stocks, receipt and sale of Pulses & Edible oils for the Fortnight ending 19 .

Name :—

No. of Licence :—

Address :—

Particulars of godowns where stock held.....

Variety of the

Particulars Quantity in tins Qils. Remarks if any

1. Stock at the beginning of the fortnight.

(a) Actually with the stockist.

(b) Pledged with any person or institution such as a Bank or cooperative society.

Total.....

2. (a) Quantity purchased during the fortnight and the Source of supply.

(b) Price paid

3. Quantity sold.

(a) Quantity sold and delivered/removed during the fortnight.

(b) Quantity sold but not yet delivered.

(c) Price realised/charged.

Total of (a) & (b)

4. Stock at the end of the fortnight.

(a) actually with the stockist.

(i) unsold.

(ii) sold but awaiting delivery.

(b) pledged with any person or institution such as a bank or a co-operative society.

Total of (a) & (b)

Place : (Signature)

Date : Licence No.

To,

The Licensing Authority.

FORM "D"

(For use by a dealer holding a retailer's licence)

[See paragraph 4 (ii) of Form B]

Return of stocks, receipts and sale of for the Fortnight ending 19 .

Name :—

FORM "E" Register

No. of Licence :—

(See paragraph 8 of form B)

Address :—

Particulars of godown where stock held :—

Variety of

(1) Opening stock :—

(2) Quantity purchased during the fortnight :—

(3) Source of supply :—

(4) Quantity sold during the Fortnight :—

(5) Closing stock at the end of the Fortnight :—

Date :

Place :

(Signature)

Licence No.

To,

The Licensing Authority.

1. Name of the licensee :—

2. Address :—

3. Licence Number :—

Serial number of registration, Name and address of the retailers.

By order of the Administrator,

Sd./- ILLEGIBLE

Secretary to the Administrator,

Dadra & Nagar Haveli, Silvassa.

